



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION :	Administrative Action
OR REVOCATION OF THE LICENSE OF :	
:	
AMY M. AQUINO, RN :	FINAL ORDER
License # 26NO12264100 :	OF DISCIPLINE
:	
TO PRACTICE NURSING IN THE :	
STATE OF NEW JERSEY :	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Amy M. Aquino ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey and has been a licensee at all relevant times.

2. On April 28, 2012, Respondent renewed her nursing license online and certified that she had completed the required continuing education for the June 1, 2010 - May 31, 2012 biennial period.

3. The Board received information that Respondent was arrested on June 30, 2013 by members of the Camden County Police Department and charged with violating N.J.S.A. 2C:33-2.1

(Obtain/Sell Controlled Dangerous Substance in Public).

4. On or about July 12, 2013, the Board sent Respondent a letter to her address of record in Deptford, New Jersey, via regular and certified mail, seeking information about her June 30, 2013 arrest, nursing employment, and continuing education. The letter reminded Respondent of her statutory and regulatory duty to cooperate with a Board investigation. The regular mailing was not returned. The certified mailing was returned as "unclaimed." Respondent failed to reply.

5. The Board received information indicating that on July 22, 2013, a Judge of the Camden Municipal Court found Respondent guilty of a downgraded charge of violation of local ordinance and assessed Respondent five hundred and thirty three dollars (\$533).

6. The Board received information that Respondent was arrested on August 1, 2013 by members of the Deptford Police Department and charged with violating N.J.S.A. 2C:20-11 (Shoplifting).

7. The Board received information that Respondent was arrested on November 5, 2013 by members of the Cherry Hill Police Department and charged with violating N.J.S.A. 2C:20-11 (Shoplifting).

### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of license. N.J.A.C. 13:37-5.3(a). Additionally, a nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

By virtue of having failed to respond to the inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed 30 hours of required continuing education during the June 1, 2010 - May 31, 2012 biennial period. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3, which the Board deems

professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within the intendment of N.J.S.A. 45:1-21(h). Additionally, Respondent engaged in the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 1-21(b) by falsely certifying on her renewal application that she had completed the required continuing education when she did not demonstrate that she did so.

Lastly, Respondent's three arrests within five months, including one drug-related arrest, raise significant concern such that testing, monitoring, evaluation, and treatment are warranted, as a condition for reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(e) and (f).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on November 15, 2013, provisionally suspending respondent's nursing license, and imposing a reprimand, and \$750.00 in total civil penalties, A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was

subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order via her attorney, who credibly maintained that his office had responded to the initial board inquiry. Although the Board had no record of receiving such a response, the Board determined that under the circumstances, and given the written submissions forwarded to the Board, the provisional findings of a failure to cooperate with respect to the arrest that had been the subject of the Board's initial inquiry, as well as the civil penalty of \$500.00 provisionally imposed for that alleged violation, are not to be sustained or finalized. However, the Board noted that respondent had still not provided documentation of any nursing continuing education. The Board accordingly concluded that respondent had not timely completed her continuing education for the 2010-2012

renewal period, and had engaged in misrepresentation on her 2012 renewal application when she indicated that she would have completed that obligation by May 31, 2012. Moreover, in light of respondent's three arrests within five months, one drug-related and two for shoplifting, evaluation pursuant to N.J.S.A. 45:1-22(e) and (f) is warranted. The Board therefore determined that suspension was appropriate until respondent had demonstrated compliance with N.J.A.C. 13:37-5.3, and until she was able to demonstrate that she was fit and competent to practice nursing by undergoing evaluation and monitoring under the auspices of the Recovery and Monitoring Program of New Jersey (RAMP).

ACCORDINGLY, IT IS on this 19<sup>th</sup> day of February, 2014,

ORDERED that:

1. Respondent's license to practice nursing is suspended until Respondent a) provides a copy of the summons complaint relating to her August 1, 2013 and November 5, 2013 arrests, as well as a copy of any police reports, documentation of the disposition of the two arrests or, if there has been no disposition, an explanation as to the current status of the arrests, and a narrative statement with respect to each arrest, explaining in detail the facts and circumstances that led to each arrest; b) provides proof of completion of 30 hours of

continuing education for the June 1, 2010 - May 31, 2012 period, and c) demonstrates that she is fit and competent to practice.

2. The Board will not entertain an application for reinstatement from Respondent unless and until Respondent completes a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program of the Institute for Nursing ("RAMP"), demonstrates that she is fit and competent to practice nursing, that she is in full compliance with any agreement with RAMP, that RAMP supports her return to practice, answers all inquiries regarding her arrests and/or convictions to the satisfaction of the Board, and demonstrates that she is up to date with her continuing education.

3. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

4. A civil penalty in the total amount of \$250.00 is hereby imposed upon Respondent for failing to timely complete continuing education. Payment shall be made by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made

no later than fifteen (15) days after the entry of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

5. Respondent is hereby reprimanded for her violation of N.J.S.A. 45:1-21(b) by providing a false answer on her renewal regarding her completion of continuing education.

6. Respondent shall refrain from practicing nursing and shall not represent herself as a registered professional nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

7. The Board reserves the right to take further disciplinary action based upon any information received in the future regarding the underlying conduct which lead to Respondent's June 30, 2013, August 1, 2013, and November 5, 2013 or upon any new information received.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

*Patricia Murphy PhD APN*  
Patricia Murphy, PhD, APN  
Board President